

REMARKS

In the March 15, 2004 Office Action, claims 1-4 and 6-15 are pending, out of which all of the claims stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the March 15, 2004 Office Action, Applicants respectfully disagree with the assertions of the Office Action. However, Applicants have amended claims 6-10 only to clarify the language. Accordingly, claims 1-4 and 6-15 are pending, with claims 1, 6, and 11 being the only independent claims. Reexamination and reconsideration of the pending claims and withdrawal of finality of the rejection are respectfully requested in view of above amendments and the following comments.

Interview Summary

On May 17, 2004, the undersigned conducted a personal interview with Examiner Paul L. Kim and Examiner Marc Hoff, who are in charge of the above-identified patent application. Applicants wish to thank Examiner Kim and Examiner Hoff for their courteous interview and the opportunity to discuss the above-identified patent application.

During the interview, the rejections to the claims 1, 6, and 11 and the Rudt and the Mueller patents were discussed. It was agreed that the combination of the Rudt patent and the Mueller patent does not teach a production management system that has a network that connects a product processing apparatus, or control means that controls the product processing apparatus based on image information distributed by the network. It was also agreed that the finality of the rejection would be withdrawn upon submission of response to the March 15, 2004 Office Action.

Drawings

Applicants have noticed an error in the drawings upon review thereof. Accordingly, Applicants have filed herewith a Request for Approval of Replacement Drawing Corrections. More specifically, Applicants wish to amend Figure 9 to include a designation "PRIOR ART." Applicants believe that the drawings now comply with 37 CFR §1.83(a). Approval of the drawing correction is respectfully requested.

Rejections - 35 U.S.C. § 103

In paragraphs 1-2 of the Office Action, claims 1-4 and 6-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,211,905 to Rudt ("Rudt patent") in view of U.S. Patent No. 5,001,889 to Mueller ("Mueller patent"). In response, Applicants respectfully disagree with the assertions of the Office Action.

More specifically, Applicants believe that the Rudt patent and the Mueller patent do not disclose a product processing apparatus that is connected to a network as required by claims 1 and 11. Claims 1 and 11 as presented previously require that a plurality of product processing apparatuses be connected via a network, with image taking means provided at each of the product processing apparatuses. Claim 6 similarly requires that a combination weigher and bagger that has storage means be connected to image taking means via a network. In other words, the present invention as defined in claims 1, 6, and 11 requires that the product processing apparatuses are connected to a network such that image information can be transmitted from the storage means of the product process apparatus via the network. Applicants believe that these arrangements of claims 1, 6, and 11 are not disclosed or suggested by the Rudt patent or the Mueller patent.

Rudt patent

In the Rudt patent, a monitoring system that monitors paper manufacture machines A, B, C, D, and E, which correspond to the product processing apparatus of claims 1 and 11, is disclosed. Clearly, as shown in Figure 1, the machines A, B, C, D, and E of the Rudt patent are not connected to a network. Although the Rudt patent discloses image-taking means (monitor 10) and storage means (data storage means 18), there is no connection between the monitoring system and the machines A, B, C, D, and E. Particularly, there is no transmission of data between the machines A, B, C, D, and E and the monitoring system as required by claims 1, 6, and 11 of the present application. Thus, the Rudt patent does not show or suggest the claimed aspect of the present invention.

The Office Action on page 3 further asserts that integration of the storage means with the product processing apparatus does not amount to an invention since "the integration or separation of parts would depend more upon the choice of the manufacturer and the convenience and availability, than on any inventive concept." *In re Lockhart*, 90 USPQ 214 (CCPA 1951). Also, the Office Action asserts that rearranging parts of an invention involves

only routine skill in the art. *In re Japikse*, 86 USPQ 70 (CCPA 1950). Applicants respectfully disagree with these assertions.

Although it is generally held that mere integration of several parts does not amount to an invention, it is also held that an invention may be present when the integration results in improved results and the unification or integration involves more than mere mechanical skill. *In re Lockhart*, 90 USPQ at 216. In the instant case, the integration of the storage means in the product processing apparatus clearly requires more than mere mechanical skill. Furthermore, by having the storage means in the product processing apparatus that is connected to the network, it is possible for an operator of the product processing apparatus to view image information of *any* product processing apparatus (not only the product processing apparatus that he/she is operating) on the network. In other words, the integration of the storage means in the product processing apparatus in the present invention results in improvements in operation of the product processing apparatuses.

Furthermore, Applicants believe that the Office Action's reliance on the *In re Japikse* is misplaced, since the reason why the court found no invention in *In re Japikse* is because the rearrangement of the parts did not result in any modification in the operation of the overall device. *See In re Japikse*, 86 USPQ at 73.

In the present invention, by providing the storage means within the product processing apparatus, an operator of a product processing apparatus can make adjustment to the operation of the product processing apparatus by referring to image information stored in the product processing apparatus as well as image information obtained from other product processing apparatuses via the network. On the other hand, the monitoring system of the Rudt patent has diagnostics functions, but there is no indication or suggestion in the Rudt patent that operators of the manufacture machines A, B, C, D, and E can access the image information stored in the data storage means 18 or the library 32. *See* column 7, line 41 – column 8, line 62. Clearly, it is impossible to create the new function of the present invention, which is to allow the operators of the product processing apparatuses to access image information, by combining the Rudt patent and the Mueller patent. Thus, something more has been accomplished by integrating the storage means in the product processing apparatus in the present invention. *See Belden et al., doing business as Louver Manufacturing & Supply Company v. Air Control Products, Inc.* 111 USPQ 9, 13 (D. W. Mich. 1956).

Accordingly, Applicant believes that an invention should be found in the integration of the storage means in the product processing apparatus required in claims 1, 6, and 11.

Mueller patent

Regarding the Mueller patent, it has been cited in the Office Action to show the weigher and bagger. The Mueller patent shows a stand-alone bagging apparatus that is *not* networked. Clearly, the Mueller patent does not show or suggest a networked product processing apparatus. Thus, the Mueller patent does not show or suggest the claimed aspect of the present invention, whether taken singularly or in combination with the Rudt patent.

In view of the above comments, Applicants believe that claims 1, 6, and 11 are not anticipated or rendered obvious by the prior art of record.


Regarding dependent claims 2-4, 7-10, and 12-15, they depend from claims 1, 6, and 11, and are therefore narrower. Since claims 1, 6, and 11 are not anticipated or rendered obvious by the prior art of record as discussed, dependent claims 2-4, 7-10, and 12-15 are also believed to be allowable.

Therefore, Applicants respectfully request that these rejections be withdrawn in view of the above comments and amendments.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-4 and 6-15 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,


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